

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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MANUEL NICHOLAS GONZALES REYES,

Petitioner,

**No. 6:18-cv-06869-MAT  
DECISION AND ORDER**

-vs-

AARON DELMONTE, et al.,

Respondents.

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*Pro se* petitioner Manuel Nicholas Gonzales Reyes ("Gonzales Reyes") is an immigration detainee in the custody of the Department of Homeland Security ("DHS"). He instituted this petition ("*Gonzales Reyes II*") for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 ("Section 2241") on December 4, 2018, challenging his civil detention. *Gonzales Reyes II* originally was assigned to Hon. Charles J. Siragusa, United States District Judge.

Previously, Gonzales Reyes had filed another Section 2241 in this Court, *Gonzales Reyes v. Delmonte, et al.*, 6:17-cv-06671-CJS (W.D.N.Y.) ("*Gonzales Reyes I*"), also assigned to Judge Siragusa.

Respondents answered the petition in *Gonzales Reyes I* on November 20, 2017. On March 7, 2019, Respondents filed a motion to dismiss *Gonzales Reyes I* as duplicative (Docket No. 5).<sup>1</sup> If that relief were to be denied, Respondents alternatively requested an

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<sup>1</sup>

Unless otherwise noted, citations to docket numbers refer to the docket in *Gonzales Reyes II*.

extension of time to file a response to the petition in *Gonzales Reyes II*.

On July 26, 2019, Judge Siragusa issued a Decision and Order (Docket No. 11, *Gonzales Reyes I*) denying the petition without prejudice. On July 31, 2019, Judge Siragusa reassigned *Gonzales Reyes II* to the undersigned.

In light of the fact that *Gonzales Reyes I* has been dismissed and is no longer pending, Respondents' motion to dismiss (Docket No. 5) *Gonzales Reyes II* as duplicative of the earlier-filed action is **denied as moot**.

Respondents are therefore directed to file a response to the petition in *Gonzales Reyes II* in accordance with the instructions in Judge Siragusa's scheduling order (Docket No. 2). Respondents' response to the petition and any relevant documents as described in the scheduling order are due **forty-five (45) days** from the date of this Order. Gonzales Reyes's reply is due twenty-five (25) days after his receipt of Respondents' response to the petition.

**SO ORDERED.**

S/Michael A. Telesca

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HONORABLE MICHAEL A. TELESKA  
United States District Judge

Dated:      October 8, 2019  
             Rochester, New York